

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JOSEPH KRANKOTA,

Petitioner,

v.

DOUG WADDINGTON,

Respondent.

No. C06-0334RSL

ORDER DENYING CERTIFICATE  
OF APPEALABILITY

This matter comes before the Court on petitioner's "Motion for Certificate of Appealability" (Dkt. #19). Under the amended version of 28 U.S.C. § 2253(c), a petitioner may not appeal the denial of a habeas corpus petition unless the district court or the Ninth Circuit issues a certificate of appealability identifying the particular issues that may be pursued on appeal. United States v. Asrar, 116 F.3d 1268 (9th Cir. 1997). To obtain a certificate of appealability, the petitioner must make a substantial showing of the denial of a constitutional right, meaning that the petitioner must show that the resolution of the habeas petition is debatable among reasonable jurists or that the issues presented were "adequate to deserve encouragement to proceed further." Slack v. McDaniel, 529 U.S. 473, 483-84 (2000) (citing Barefoot v. Estelle, 463 U.S. 880, 893 n.4 (1983)).

The Court's finding regarding the untimeliness of petitioner's challenge is not debatable among reasonable jurists. See Dkt. #15 (Report & Recommendation); Dkt. #17 (Order Dismissing § 2254 Petition). Petitioner has, therefore, failed to make a substantial showing of the denial of a constitutional right and is not entitled to a certificate of appealability under 28

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1 U.S.C. § 2253.

2 For all of the foregoing reasons, petitioner's "Motion for Certificate of Appealability"  
3 (Dkt. #19) is DENIED.

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5 DATED this 12th day of October, 2006.

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8 Robert S. Lasnik  
9 United States District Judge